6.0 Reasonable Assurance

Three primary programs that provide reasonable assurance for maintenance and improvement of water quality in the watershed are in effect. The WVDEP's duties and responsibilities for issuing NPDES permits, efforts to reclaim abandoned mine lands and the Watershed Management Framework will be the three focal points in water quality improvement.

Additional opportunities for water quality improvement are both ongoing and anticipated. Historically, a great deal of research into mine drainage has been conducted by scientists at West Virginia University, the West Virginia Division of Natural Resources, the United States Office of Surface Mining, the National Mine Land Reclamation Center, the National Environmental Training Laboratory and many other agencies and individuals. Funding from EPA's 319 Grant program has been used exclusively to remedy mine drainage impacts. These many activities are expected to continue and result in water quality improvement.

A list of funded and pending water and wastewater projects in West Virginia can be found at http://www.wvinfrastructure.com/projects/index.html.

6.1 Permitting Program

Division of Mining and Reclamation

The NPDES program has adjusted it permitting cycle to coincide with the Watershed Management Framework Cycle. The Guyandotte River is divided into two distinct watersheds for purposes of the Framework Cycle. The Upper Guyandotte is part of Hydrologic Group E with permit reissuance scheduled for 2005. The Lower Guyandotte is part of Hydrologic Group C that is scheduled for permit reissuance in 2008. WVDEP will incorporate the TMDL wasteload allocations during permit reissuance.

6.2 Reclamation

Office of Abandoned Mine Lands and Reclamation

Within DEP, the primary entity that deals with abandoned mine drainage issues is the Division of Land Restoration. Within the Division, the Office of Abandoned Mine Lands and Reclamation was created in 1981 to manage the reclamation of lands and waters affected by mining prior to passage of the Surface Mining Control and Reclamation Act (SMCRA) in 1977. A fee placed on coal mined within West Virginia funds the AML&R Office's budget. Allocations from the AML fund are made to state and tribal agencies through the congressional budgetary process.

AML&R has also increased its emphasis on correcting water quality problems at sites that were primarily chosen for protection of public health, safety and property. This new emphasis on improving water quality, in conjunction with it's activities as part of the Framework, will aid in clean up of sites already selected for remediation activities.

AML&R is planning remediation activities at the following sites in the Guyandotte River watershed:

- Gooney Otter Refuse Piles

- Little Huff Creek (Draining Portals)
- Helen Portals
- Stonecoal Creek Complex
- McAlpin Eroding Dump
- Rhodell Refuse
- Rossmore Loadout
- Island Creek #18 Structures
- Stollings (Szucks) Drainage

Office of Special Reclamation

The Office of Special Reclamation is responsible for completing the reclamation plan at sites where the mining permit is revoked and the reclamation bond forfeited. The work includes land reclamation of unreclaimed areas to achieve the planned postmining landuse and water reclamation where problem discharges exist. Money for the reclamation comes from the Special Reclamation Fund. Revenues into the fund include a per-ton tax on each ton of coal mined, forfeited reclamation bonds, and civil penalty collections.

Both AML&R and Special Reclamation are active partners in the Watershed Framework. Both entities stand to play a significant role in water quality improvements made in the Guyandotte watershed due to the significant number of mining sites located in the watershed. The combined efforts of all of the agencies in the Framework will provide a leadership role in correcting the non-point source related problems in the Guyandotte watershed.

6.3 Watershed Management Framework

Management Framework

The Watershed Management Framework consists of a group of state and federal agencies whose goal is to develop and implement management strategies through a cooperative long-range planning effort. The Framework consists of representatives from the following partner agencies:

Bureau for Public Health
Department of Highways
Department of Environmental Protection
State Conservation Agency
Division of Forestry
Division of Natural Resources
WVU Extension Services
ORSANCO
US Geological Survey
US Office of Surface Mining
Monongahela National Forest
US Environmental Protection Agency
Natural Resources Conservation Service
U S Army Corp of Engineers
Department of Agriculture

The principle area of focus for the Framework is to correct problems related to non-point source pollution. Each of the partner agencies has placed a greater emphasis on identification and correction of non-point source pollution. The combined resources of these agencies provides

various avenues to address all different types of non-point sources both through public education and on-the-ground projects. The Framework uses the five-year Watershed Cycle to identify the watersheds where restoration efforts will be focused. Each year the Framework agencies meet to prioritize watersheds from within a certain Hydrologic Group to begin the planning process. The selection process includes evaluation of completed TMDLs for the watersheds under consideration.

The Watershed Management Framework is incorporated by reference into West Virginia's Continuing Planning Process. Among other things, the Watershed Management Framework includes the management schedule for how TMDLs will be integrated and implemented. The Watershed Management Framework also incorporates as part of its priority selection criteria, the state's list of impaired waters under Section 303(d). In 2000, the schedule for TMDL development under Section 303(d) was merged with the Watershed Management Framework process. Chapter 3.2.2 of the Watershed Management Framework, entitled "Developing and Implementing Integrated Management Strategies" identifies a six-step process for developing integrated management strategies and action plans for achieving the state's water quality goals. Step 3 of that process includes "identifying point source and/or nonpoint source management strategies - or Total Maximum Daily Loads - predicted to best meet the needed [pollutant] reduction." Following development of the TMDL, Steps 5 and 6 provide for preparation, finalization and implementation of an "action plan" that would implement the TMDL and any other appropriate water quality improvement strategy.

The process used by the Management Framework is based on the efforts of local project teams. The teams are composed of members from Framework agencies and stakeholders having an interest and/or residing within the watershed. Team formation is based on the impairments or protection needs of the watershed. The team's goal is to develop a project plan that allows the most efficient use of resources from all parties involved in the effort. For selected watersheds, the local project teams can use the TMDL recommendations to help plan future activities. Once the project plan has been developed and funded, the agencies can implement projects to address the restoration recommended by the TMDL.

The Framework will be considering watershed selection for Hydrologic Group C watersheds, including the Lower Guyandotte, in 2006 and the Hydrologic Group E watersheds, including the Upper Guyandotte in 2008. At these times the recommendations of the Guyandotte TMDL will be assessed for project planning purposes. The actions of the Framework will bring the combined resources of the numerous state and federal agencies into sharp focus on the water quality problems in West Virginia.